

TESTIMONY OF
CONGRESSMAN BENJAMIN L. CARDIN

HOUSE RULES COMMITTEE

H.R. 4975, LOBBYING ACCOUNTABILITY AND TRANSPARENCY ACT

March 30, 2006

Chairman Drier, Ranking Member Slaughter, and members of the Rules Committee, thank you for the opportunity to testify today on H.R. 4975, the Lobbying Accountability and Transparency Act.

Mr. Chairman, today I propose that this legislation include a provision that allows the filing of ethics complaints by non-members. Under my proposal, the Ethics Committee would still retain the authority to investigate and dispose of the complaints as it sees fit.

By way of background, Mr. Chairman, I served on the House Committee on Standards of Official Conduct from 1991 to 1997. I serve as the ranking member of the adjudicative subcommittee that investigated and ultimately recommended sanctions against former Speaker Gingrich. In 1997 the House leadership appointed me to serve as the Co-Chairman of the House Ethics Reform Task Force, with my colleague Bob Livingston from Louisiana. Our bipartisan task force came up with a comprehensive set of reforms to overhaul the ethics process. We created a bipartisan package to change House and committee rules which the House adopted. This was the last bipartisan revisions of House ethics procedures.

Our bipartisan legislative package also included a provision which authorized non-members to file complaints against members, provided that the complaints were in writing and under oath. Unfortunately, the full House rejected this proposal, and for the first time the House closed its doors to the receipt of outside ethics complaints. Today I ask members to reconsider this provision, and to include it in the pending legislation that I understand this committee will mark up next week.

The House did adopt the other Task Force proposals, which strengthened the ability of the Ethics Committee to dismiss frivolous complaints and to impose sanctions for the filing of frivolous complaints. Our 1997 reforms created a nonpartisan operation of the committee, guaranteed the confidentiality of the committee's workings, expedited the processing of complaints, and enhanced the due process rights for members.

Our ethics process has broken down in the past. Indeed, when our task force was meeting and deliberating in 1997, the House took the extraordinary step of imposing a moratorium of the filing of new ethics complaints.

I am afraid we have reached a similar crossroads in the House today. Some members have recently talked about ethics "truces" in which the political parties have voluntarily agreed to place a moratorium on filing ethics complaints, regardless of the merits of the charges. The Chairman of the Ethics Committee was removed from his position, perhaps as retaliation for agreeing, on a bipartisan basis, to repeatedly admonish the former House Majority Leader for ethical misconduct and transgressions. Outside good government groups have repeatedly called for non-members to be permitted to file ethics complaints. In December 2004 the Congressional Ethics Coalition, a nonpartisan group which included Common Cause, Democracy 21, Judicial Watch, and Public Citizen, issued a statement which called on Congress to authorize non-members to file ethics complaints against members of Congress.

My proposal would leave untouched the constitutionality responsibility of the Ethics Committee itself to investigate and dispose of the complaints filed by non-members. Indeed, the Senate permits outside filings of ethics complaints, and the Senate process has worked well over the years. The Senate similarly has the power to dispose of frivolous complaints, as is also provided for in the current Ethics Committee rules.

The Committee on Standards of Official Conduct is the only committee of the House with an equal number of Democrats and Republicans. The Committee can only work effectively in a bipartisan manner. I urge you to adopt this bipartisan reform that was recommended by the Ethics Reform Task Force.